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Measuring the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations

Report of the Secretary-General

Summary

The present report on measuring the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations is submitted in response to the request of the Security Council contained in S/PRST/2012/1.

Member States are increasingly demanding strengthened accountability from the United Nations. In order to respond to these demands and have information to guide future efforts, it is necessary to measure the impact of the support provided by the United Nations system for the rule of law. United Nations support for the rule of law is measured through the use of planning, assessment and evaluation tools. The collection and analysis of data is critical for measuring the Organization's impact and is central to national policymaking. The United Nations should, therefore, focus on supporting the development of national capacity in this area. In the present report, it is also acknowledged that particular challenges exist when it comes to measuring the impact of efforts in support of the rule of law.

The report contains details of reforms of the institutional arrangements and efforts made to mainstream the rule of law in all areas of the work of the United Nations. Going forward, a culture of measurement in the Organization must be nurtured and strengthened. The development of a coordinated and system-wide approach to measuring the effectiveness of the support provided by the United Nations system for the rule of law should be a priority for the Organization and be supported by Member States. Support for States' capacity to collect, analyse and use data must also be strengthened.

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I. Introduction

1. In January 2012, the Security Council requested the Secretary-General to provide a report to consider the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations (S/PRST/2012/1). In January 2013, the Deputy Secretary-General provided the Council with an interim briefing on the issue.

2. The rule of law is central to many challenges facing the global community. Strong, inclusive and accountable institutions that apply the rule of law equitably are crucial for conflict prevention and peacebuilding. Addressing interconnected threats such as organized crime, trafficking, conflict and terrorism requires effective rule of-law tools at the national, regional and global levels. States need support to strengthen national institutions and the rule of law so that they can adapt and respond to emerging threats and the changing demands and aspirations of their populations. Equally, given the transnational nature of many challenges, normative and operational tools at the regional and global levels are a crucial complement to the responses of nation States.

3. Member States are increasingly demanding strengthened accountability from the United Nations with regard to the impact of its operations. Such strengthened accountability is characterized by a greater focus on results, better evaluative reporting and the desire to establish value for the money invested through the United Nations system. It is necessary to consider the effectiveness of the support provided by the Organization to identify what is working and respond to the above-mentioned demands. This will assist the Security Council in appropriately designing mandates and responding to future requests for assistance in strengthening the rule of law.

4. In order to consider the effectiveness of the United Nations in supporting the rule of law, the present report looks at ways to measure the Organization's impact. The Development Assistance Committee of the Organization for Economic Cooperation and Development defines "impact" as the positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.[1] The present report examines the importance and the challenges of measuring the impact of the rule-of-law activities of the United Nations system and outlines the planning, assessment and evaluation tools available to the system.

5. The report contains an update on initiatives to mainstream the rule of law throughout the United Nations and the institutional reform aimed at increasing the effectiveness of the Organization's work. It also contains recommendations for ways to improve the capacity of the United Nations to measure the impact of its engagement, with a view to facilitating the work of the Security Council.

[1] *Glossary of Key Terms in Evaluation and Results Based Management* (Paris, Organization for Economic Cooperation and Development, 2010).

II. Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels

6. The high-level meeting of the General Assembly on the rule of law at the national and international levels was held in New York on 24 September 2012. It was attended by more than 65 presidents and ministers of Government and was the first plenary meeting of the Assembly dedicated entirely to the rule of law. In the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (see Assembly resolution 67/1), 193 Member States unanimously reaffirmed their commitment to the rule of law and its fundamental importance for political dialogue and cooperation among States. They also set the parameters for the activities of the United Nations in support of the rule of law, recognizing that all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.

7. Also in the Declaration, States recognized the positive contributions of the Security Council to the rule of law. They emphasized the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, and stressed that justice, including transitional justice, was a fundamental building block of sustainable peace in countries in conflict and post-conflict situations. Delivering justice and security in respect of the rule of law mitigates conflict, helps reduce the risk of relapse into further conflict and creates the conditions conducive to sustainable development.

III. Mainstreaming the rule of law

8. In the Declaration, States acknowledged that the rule of law was of fundamental importance for the further development of the three main pillars upon which the United Nations was built: international peace and security, human rights and development. They specifically highlighted the interrelationship between the rule of law and development, calling for the rule of law to be considered in the post-2015 development agenda.

9. Furthermore, States recognized that the rule of law applied to all States equally, and to international organizations, including the United Nations, and that respect for and promotion of the rule of law and justice should guide all of their activities and accord predictability and legitimacy to their actions.

10. Pursuant to the Declaration, the Secretary-General has made it a priority to mainstream the rule of law in the work of the United Nations. Through the United Nations System Chief Executives Board for Coordination, he is engaging the whole United Nations system so that it can deliver more effectively by systematically considering the rule of law in its support to Member States in the areas of peace and security, development and human rights.

IV. Reforming rule-of-law institutional arrangements

11. The Security Council has embraced the notion that establishing and improving the rule of law in conflict and post-conflict situations is an integral part of the mandates it creates. The mandated tasks are wide ranging and include the drafting of constitutions and legislative reform, the strengthening of institutions, including in the areas of policing, justice and corrections, and the provision of support to transitional justice processes. There are currently 19 United Nations field missions with components related to the rule of law.

12. Given that the tasks are so broad, there has been a growing need to ensure a coordinated and strategic approach to the work of the United Nations. In the past, however, institutional arrangements have not allowed the Organization to deliver as effectively, predictably or accountably as it might have. In the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304), these weaknesses were highlighted and several processes to address them were set in motion. The steering committee on civilian capacity in the aftermath of conflict agreed, in June 2012, that a global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations should be created. The decision was supported by the Rule of Law Coordination and Resource Group, which undertook an internal assessment of the implementation of existing operational arrangements. The Group concluded that the system needed to be simplified and updated to reflect new realities and actors in the area of the rule of law.

13. In response, in September 2012 the Secretary-General provided a new direction for the collective efforts of the United Nations system by considering both the conclusions of the internal review and the recommendations of the steering committee.

14. He created a new three-tier system to strengthen the Organization's ability to deliver activities related to the rule of law at the field level, at the Headquarters (operational support) level and at the strategic level. At the field level, the power of United Nations field leadership has been enhanced. Leaders in the field are now responsible and accountable for guiding and overseeing United Nations rule-of-law strategies, resolving political obstacles and coordinating United Nations country support on the rule of law. While responsibility for programme implementation is left firmly in the hands of the different United Nations entities, however, in order to maximize the benefits arising from their comparative advantage, these entities are also required to cooperate with senior field leadership.

15. At the Headquarters level, the Secretary-General designated the Department of Peacekeeping Operations and the United Nations Development Programme (UNDP) to act as a single global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations. In this capacity, the Department and UNDP will support field leaders in carrying out their new responsibilities, which now include linking up with all relevant United Nations entities in order to provide coordinated support to the field. The global focal point maintains a field-driven focus on improving United Nations support in post-conflict and other crisis situations. Working collaboratively, from the early planning phase onwards, will help leverage resources, draw on external assets and avoid duplication

of efforts. The global focal point will respond to requests from the field and provide a full spectrum of support, from assessments to planning, funding and partnerships.

16. Since UNDP and the Department of Peacekeeping Operations were officially designated to act as global focal point, they have, in that capacity, undertaken joint assessment and planning missions to Somalia, Haiti, Libya and Afghanistan. A global focal point team has also travelled to Nairobi, to assist the United Nations presence in Somalia by providing support for the development of the United Nations rule-of-law strategy for that country as part of the ongoing strategic review and technical assessment mission on Somalia led by the Department of Political Affairs. This work was followed by joint engagement in the mission planning process. In April 2013, a joint global focal point team consisting of representatives of the Department of Peacekeeping Operations, UNDP and the Office of the United Nations High Commissioner for Human Rights (OHCHR) undertook a mission to Haiti to provide support for the development of a United Nations guidance document on the rule of law and draft the global focal point country support plan. The global focal point team is finalizing country support plans to address requests received by the United Nations family in Liberia, Côte d'Ivoire, Haiti and Libya. At the request of the United Nations Mission in Liberia, the United Nations Operation in Côte d'Ivoire, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and UNDP offices, the global focal point has facilitated the deployment of specialized expertise in areas such as judicial inspection and community policing. The global focal point will benefit from the contributions of Member States in the form of experts, support from think tanks and other academic institutions and from close cooperation with other multilateral actors such as the World Bank and the European Union.

17. At the strategic level, the Rule of Law Coordination and Resource Group, which is chaired by the Deputy Secretary-General, has been given the overall leadership role for the rule of law. It will ensure that the United Nations is able to foresee new opportunities, address new challenges and develop linkages with a broad range of stakeholders. The revised terms of reference of the Group take into account the emergence of new realities and actors in the field of the rule of law, a more strategic approach to policy and external relations and a flexible approach to coordination.

18. Early in 2013, the executive heads of the entities that comprise the Group met to articulate a vision and priorities for the Group that will be developed into a United Nations strategy on the rule of law. The fact that the World Bank has joined the Group reflects a broadening of the scope of cooperation in a number of key areas. Membership will be expanded further to include other members of the United Nations family with a rule-of-law mandate. The Group will also develop closer linkages with other key rule-of-law actors, including regional organizations. It will ensure greater engagement with Member States on the work of the United Nations system on the rule of law and continue to enhance policy coherence within the system.

19. With strengthened leadership and new institutional arrangements in place, the Organization is better placed to address the challenges faced in strengthening the rule of law.

V. Current methodologies in designing activities in support of the rule of law

20. The work done by the United Nations on the rule of law in country settings is based on mapping, assessment and planning exercises. Detailed country assessments across all sectors before and after the deployment of a United Nations mission provide valuable data to structure mission templates, meet the challenges of a specific country and ensure that the support provided is in alignment with priority needs. The United Nations has developed tools to translate Security Council mandates into planning processes. The United Nations integrated mission planning process guidelines are designed to provide coherence to all entities of the United Nations system operating in the same country. At the field level, an integrated strategic framework is used to plan and coordinate the work of the mission and the country team.

21. Other tools are used in the design of support efforts. United Nations peacekeeping mission benchmarks have been requested by the Security Council to provide on-the-ground information and knowledge of trends that can inform United Nations strategic planning and peacebuilding activities. Although focused more on monitoring conditions in the host country than on measuring the attributed impact of the presence of the United Nations system, mission benchmarks provide peacekeeping operations with information that is useful in guiding mission development.

22. Sector-wide rule-of-law assessments provide information for these broader planning processes and benchmarking. It is important that these assessments be conducted jointly by United Nations entities, using an interdisciplinary approach. Country-level rule-of-law assessments must take into consideration rule-of-law needs and improve the effectiveness of United Nations activities by aligning priority needs with the support provided by the United Nations.

23. In Timor-Leste, a country-level, sector-wide assessment of the justice sector supported by the United Nations Integrated Mission in Timor-Leste was carried out in 2009. The assessment, which was carried out following the adoption of Security Council resolution 1867 (2009), sought to determine the extent to which the country's overall justice system met the needs of Timor-Leste and its people, as well as to identify accomplishments and challenges to date. The need to strengthen justice-sector institutions was one of the main topics covered in the report resulting from the assessment, which also provided 144 specific recommendations in 13 thematic areas and constituted an important planning tool. The results of the assessment helped inform the development of the national justice-sector strategic plan that was finalized in 2010.

24. Thematic assessments can complement country-level, sector-wide assessments. An example is the mapping exercise conducted by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to measure the extent to which women's empowerment and gender equality is considered in the work of the United Nations on access to justice. The study, which was completed in April 2013, mapped out the range of rule-of-law activities undertaken at Headquarters and in more than 30 conflict-affected countries by the nine members

of the Rule of Law Coordination and Resource Group.[2] It presented data that will be critical to calibrating the support provided by the United Nations in the area of the rule of law.

25. The study found that the most common areas of engagement related to the rule of law were legislative reform, promoting awareness of legal rights and protection and building the capacity of or training key justice-sector actors such as judicial officials, law enforcement officers and corrections officers. Although the primary focus in post-conflict situations is often on State institutions, the report arising from the study found that the non-State sector offered important practical and strategic opportunities for making meaningful change in terms of women's access to justice in the aftermath of conflict. Thus, innovative programmes are being developed to train paralegals and assist civil society groups who support victims of sexual and gender-based violence. The report also highlighted the need for senior United Nations representatives in the field to prioritize the issue of women's access to justice. These findings will be reflected in future programming cycles.

26. The most commonly referenced sources of authority for interventions were the resolutions of the Security Council on women and peace and security, in particular resolution 1325 (2000). This highlights the extent to which these resolutions have permeated programming realities.

27. Targeted rule-of-law assessments can also shape programming and the setting of priorities. For example, the surveys on the public's perception of justice and security that were conducted in three refugee camps in Thailand in 2006 revealed the extent to which refugees were concerned about justice and security and a low level of confidence in informal justice venues. The surveys also revealed that refugees wanted better access to the formal criminal courts of Thailand. This data led to the adoption of memorandums of understanding between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Government of Thailand that led to a shift from programming to support-enhanced access to justice for refugees from Myanmar.

28. The examples mentioned above demonstrate how useful assessments can be to ensure that resources are directed at areas of greatest need. Currently, however, assessments are largely conducted on an ad hoc basis and are seldom comprehensive or multidisciplinary. Greater efforts should be made to improve the quality of the Organization's assessments and to use the assessments strategically to increase the effectiveness of the United Nations in supporting the rule of law.

VI. Data collection and measurement

29. Initial assessments define priority areas and establish baseline data against which subsequently acquired data can be compared. The absence of baseline data

[2] The nine original members of the Rule of Law Coordination and Resource Group are: the Department of Peacekeeping Operations, the Department of Political Affairs, the Office of Legal Affairs, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women.

makes it difficult to objectively measure progress and introduces the risk of setting objectives that are either too ambitious or too vague.

30. Data collection, including through follow-up assessments, is essential for measuring the Organization's impact and adjusting programme priorities and focus where needed. Data may be both qualitative and quantitative and may be collected by counting project or programme-based outputs, such as the number of prosecutions supported or courthouses built; carrying out surveys of perceptions and interviews to find out, for example, how much trust people have in the criminal justice system; collecting statistics at the national level, for example on reported incidents of violence; and undertaking observations of court trials, for example. Such data is used to measure whether the predefined objectives of United Nations projects and programmes have been met or need revising.

31. In the State of Palestine, UNDP, in collaboration with the Palestinian Central Bureau of Statistics, commissioned a public perception survey that demonstrated that investments in justice and security institutions were having an impact, as they were leading to high levels of trust in the police and the courts. The results of the survey showed that 91.7 per cent of Palestinians surveyed chose to call the police when they felt in danger and that 71 per cent considered the courts to be the only legitimate institutions through which to resolve disputes.

32. In Sierra Leone, the widespread prevalence of sexual and gender-based violence presents a serious challenge to women's rights and peace consolidation. The significant delays in prosecutions, which are caused by logistical and capacity constraints, have caused a backlog of approximately 700 cases involving sexual and gender-based violence and made survivors of such violence reluctant to engage in the formal justice system. National authorities, with support from UNDP, have been able to reduce the delays by holding "Saturday courts", whereby members of the judiciary in places such as Freetown and Makeni have been provided logistical support to hold court hearings on Saturdays in order to clear the backlog of cases. In addition, training has been provided to more than 250 police officers, to enable them to investigate gender-based crimes more effectively and thus support the prosecution process. Since the programme's inception in February 2011, more than 700 cases have been heard through the Saturday courts and 178 convictions have been handed down for crimes involving sexual and gender-based violence. The support provided has also encouraged witnesses to come forward to testify in court.

33. In November 2012, the United Nations Office on Drugs and Crime (UNODC) conducted a large-scale population survey on the extent of bribery and four sector-specific surveys on the integrity of public officials in Afghanistan. The results of the first survey indicated that, in 2012, 50 per cent of Afghan citizens paid a bribe when requesting a public service. On average, officials from key rule-of-law institutions received the highest bribes. There was also evidence that low-level corruption had become increasingly normal: 68 per cent of citizens interviewed in 2012 said it was acceptable for a civil servant to supplement a low salary by accepting small bribes, up from 42 per cent in 2009. The result of this normalization is that many Afghans cannot gain access to the justice system. The findings will be used to shape anti-corruption programming efforts in partnership with the Government of Afghanistan.

A. Importance of national data collection and measurement

34. The United Nations requires high-quality qualitative and quantitative data in order to measure the impact of the support it provides through its projects and programmes. The collection of national data on the rule of law, however, is also critical for Member States. National data collection and analysis is essential for assessing how the rule of law is functioning and, therefore, for developing national policy and governance processes. Data allows for a more accurate assessment of the situation, better prepares the relevant authorities to mitigate risk and assists Governments in achieving national goals. Evidence based on national data supports resource mobilization and optimization efforts, both at the national and international levels. Increasingly, Member States have been taking steps to gather data for evidence-based policy and planning.

35. The United Nations can support national efforts to gather data, including by using metric tools; carrying out audits of the justice system's infrastructure; collecting statistics on the criminal justice sector; tracking cases on the docket and assessing record management systems; and carrying out interviews and surveys of perceptions.

36. In Iraq, UNDP, UN-Women and the United Nations Assistance Mission for Iraq are working to build the capacity of the Family Protection Units of the Ministry of the Interior, which were established to address sexual and gender-based violence. The Units have established a database on gender-based violence to track incidences and analyse prevalence and trends. The database will be used to inform policymakers and for the implementation of the national strategy to eliminate violence against women that was recently endorsed by the Council of Ministers.

37. At a recent workshop on rule-of-law indicators held in Haiti, more than 80 participants from the justice sector, oversight bodies and civil society discussed rule-of-law reform priorities identified on the basis of the data collected and measured by the indicators. In Liberia, indicators helped to identify an increase in reporting to the police and a marked improvement in victims' perception of police services compared with the first data collection exercise, which had been carried out in 2009. Despite this progress, the indicators also highlighted the perception of corruption and of insufficient accountability in the police system as areas that required policy attention. Such information assists national authorities in identifying priority areas for further work and ways to build on successes.

38. The collection of data is also critical for transparency and good governance. An informed public that has access to data on the rule of law is able to hold the Government accountable. Data provides the evidence needed to demonstrate strong accountability to parliament, civil society and donors. It can also serve to provide incentives in terms of improving performance. Moreover, it allows for informed decision-making and strengthens local ownership of the rule of law.

39. The United Nations Rule of Law Indicators project, developed by the Department of Peacekeeping Operations and OHCHR with input from United Nations partners, including the Word Bank, is a non-ranking instrument that can be used by Governments to obtain detailed information on law enforcement agencies, the justice system and the prison system in their own countries. It assists them in measuring the transformation of these institutions over time and monitoring country-level change, thereby supporting national authorities in their rule-of-law

reform efforts. Currently in use in Haiti, Liberia and South Sudan, the project comprises 135 indicators that Governments can use to assess the progress made by the police, the judiciary and the prison system in four main areas: performance; integrity, transparency and accountability; the treatment of marginalized groups; and capacity.

40. The effective collection of data on the rule of law is critical to national efforts to strengthen that area. The United Nations should, therefore, focus on supporting national partners in this endeavour.

B. Measurement tools

41. While national data collection efforts continue to improve, measurement of the impact of the support provided by the United Nations is also being supplemented by specialized tools that provide information on the rule of law.

42. Tools such as the Rule of Law Index of the World Justice Project and the Worldwide Governance Indicators developed by the World Bank use indices that aggregate multiple measures into "baskets" of indicators that seek to capture the multidimensional aspects of the rule of law in different countries. Both Member States and the United Nations can use such tools to gain a better understanding of the rule of law.

43. The United Nations has provided support for a number of specialized tools that seek to inform both Member States and the United Nations on issues related to the rule of law. For example, through the United Nations surveys of crime trends and the operations of criminal justice systems, UNODC collects data on the incidence of reported crime and the operations of criminal justice systems with a view to improving the analysis and dissemination of that information globally. The survey results provide an overview of trends and interrelationships among various parts of the criminal justice system to promote informed decision-making in administration, at the national and international levels.

44. In late 2011, the National Institute of Statistics and Geography of Mexico and UNODC inaugurated a centre to assist in the collection of data on public security and justice in Mexico and the region. The Centre of Excellence for Crime Statistics on Governance, Victims of Crime, Public Security and Justice now works to develop field surveys and share knowledge in the area of crime statistics. The Centre is also working to upgrade the methods used to generate statistics and to provide policymakers in the region with tools to address challenges relating to public security and justice. This benefits not only Mexico, but also other countries in Central America and the Caribbean. The Centre is part of a network of centres that collect and analyse data on justice and security in Central America, thereby contributing to the availability of local and regional data on the rule of law and identifying priorities in the area.

45. Since 2007, the United Nations Children's Fund (UNICEF) and UNODC have collaborated with States to develop data systems on juvenile justice based on the *Manual for the Measurement of Juvenile Justice Indicators*. In the Manual, a standard set of 15 indicators for measuring the extent of reform in juvenile justice are identified. Training sessions have been conducted with governmental and non-governmental organizations from Armenia, Azerbaijan, Benin, Bulgaria, Burkina

Faso, Côte d'Ivoire, Georgia, the Republic of Moldova, Togo and Ukraine; 243 participants from 35 countries have been trained. The indicators were used in Guinea-Bissau to establish the baseline for juvenile justice reform and in the Syrian Arab Republic to develop a unified database on juvenile justice.

46. The human rights indicators of OHCHR are designed to evaluate the extent to which human rights, including rule-of-law initiatives and goals, have been realized at the national and global levels. They are a combination of structural, process and outcome indicators that measure the degree of acceptance of and intent and commitment to protecting and fulfilling a given human right. The indicators that are most pertinent to the rule of law are: reported cases of miscarriage of justice, proportion of victims who receive timely compensation, percentage of crimes reported to the police and homicide rates.

C. United Nations evaluation

47. In order to effectively use data to measure the impact of the work of the United Nations, an evaluation system is critical. Over the past decade the United Nations system has established a framework to support and encourage the Organization's evaluation efforts.

48. Results-based management, an important element of the United Nations framework for evaluating effectiveness and improving coherence and accountability, has been part of the United Nations reform agenda for more than a decade. In results-based management, as well as in results-based budgeting, resource justification is provided for a set of expected results and performance in terms of achieving results is measured by objective performance indicators.

49. Such an approach fosters a culture of monitoring and evaluation that is gradually becoming adopted by most entities in the United Nations system. For example, the results-based management framework of UNHCR includes indicators such as the extent to which the law is consistent with international standards on the prevention of statelessness and the extent to which people known to be survivors of sexual and gender-based violence receive support. Targets for the indicators are updated regularly. This framework enables UNHCR to monitor progress, illustrate impact and advance efforts to address the needs of refugees and others of concern by defining a common set of priorities as a blueprint for global operations.

50. At the country level, the United Nations Development Assistance Framework is another tool that allows the Organization to enhance its focus on results. The Framework promotes the development of common objectives, reflects the contribution and funding of each agency to these common objectives and includes a results framework.

51. Results-based management, results-based budgeting and the United Nations Development Assistance Framework rely on sound evaluation methodologies for their success. A number of different methodologies have been developed in this respect. Regulations governing the evaluation of United Nations activities were promulgated in 2000 (ST/SGB/2000/8). These regulations, which are currently being updated, reflect the guidelines established by the General Assembly governing the planning, programming, monitoring and evaluation of all activities undertaken by the United Nations, irrespective of their source of financing. The regulations

stress that the objectives of evaluation are to determine, as systematically and objectively as possible, the relevance, efficiency, effectiveness and impact of the Organization's activities in relation to their objectives and to enable the Secretariat and Member States to engage in systematic reflection. The aim is to increase the effectiveness of the main programmes of the Organization by altering their content and reviewing their objectives as required. Similar regulations and policies have been issued in recent years in several entities of the United Nations system.

52. In an effort at achieving system-wide coherence, the United Nations Evaluation Group brings together more than 40 units responsible for evaluation in the United Nations system, facilitates collaboration and strengthens the quality of the Organization's evaluation efforts. The Group plays an important role in promoting an enabling environment for common evaluation approaches and good evaluation practices.

53. The United Nations Evaluation Group has developed norms for evaluation in the United Nations system. These norms aim at contributing to the professionalization of the evaluation function and at providing guidance to evaluation offices in preparing their evaluation policies and other aspects of their operations. The Group has also developed standards that build upon the norms. They are drawn from the best practices of Group members and are intended to guide the establishment of the institutional frameworks, management of the evaluation functions and conduct and use of evaluations. They are intended to be applied as appropriate within each organization.

54. General evaluation frameworks are not, however, designed to capture the specificities of the effectiveness of the United Nations system in delivering assistance with regard to the rule of law. Specific evaluation tools are beginning to be developed in this regard. For example, UNDP is developing a user's guide to measuring rule-of-law, justice and security programmes, to be published in 2013. This will be the first guide that focuses specifically on measuring the effectiveness of United Nations rule-of-law programmes across the whole spectrum of development settings, including conflict-affected and fragile environments. The guide will review commonly used methodologies that can be adapted to data collection and analysis in fragile and post-conflict environments and is designed to be used in combination with other resources, such as the United Nations Rule of Law Indicators and the integrated technical guidance note for monitoring and evaluating security sector reform currently being prepared within the framework of the United Nations Inter-agency Task Force on Security Sector Reform. It will contain examples of measurement tools and research designs, as well as guidance on how to tailor existing approaches to the local context and the needs of practitioners.

55. These specific initiatives notwithstanding, there is agreement about the need to further strengthen the Organization's capacity to evaluate specific rule-of-law activities. In its assessment of the Secretariat's evaluation capacity, quality and utility over the 2010-2011 biennium, the Office of Internal Oversight Services concluded that overall evaluation capacity in the Secretariat remained uneven and inadequate (see A/68/70). Evaluation resources were insufficient and the organizational framework, culture and commitment needed to promote and facilitate a comprehensive evaluation function that provides critical, timely and strategic information for decision-making and strengthens accountability and learning were lacking. This was all the more true at the sector-specific level.

56. As for the system-wide evaluation of operational activities, a review commissioned pursuant to General Assembly resolution 64/289 found that evaluation efforts take various forms and are implemented on an ad hoc basis. It also found that there is a demand for system-wide evaluation in the United Nations. The review concluded, however, that there was a lack of coordination, limited policy guidance and no clear strategy for independent system-wide evaluation. In the report it was noted that the Joint Inspection Unit was the only independent external oversight body of the United Nations system with the mandate to conduct evaluations, inspections and investigations system-wide. The Unit has not, to date, evaluated the support provided by the United Nations system for the rule of law and would not be suitable for providing a means of continuous evaluation.

57. It is of critical importance for the United Nations to have independent, credible and sufficiently resourced evaluation functions and to promote a culture of evaluation. Such a culture would ensure that findings and recommendations are used in programme development and resource mobilization. The United Nations should support a common set of evaluation principles that will allow for an ongoing, system-wide approach to measuring the impact of the support provided by the United Nations system for the rule of law.

D. Challenges in rule-of-law measurement

58. Measuring and evaluating the impact of rule-of-law activities poses particular challenges that must be highlighted. While there have been improvements in the tools used for data collection, reliable rule-of-law data continue not to be available. This is an obstacle to measuring the impact of the support provided by the United Nations in this area. Frequently, the inability to gain access to some areas of conflict-affected countries makes it difficult to collect data. It may also be difficult for both national and international actors to access data on justice and security because of political sensitivities; alternatively, national data may not be collected or analysed systematically.

59. One of the main challenges faced by rule-of-law practitioners is that it often takes generations to see real change in the rule of law. Moreover, multiple actors and influences are involved. In addition, justice and security-sector reform might not occur in a linear fashion. For example, an institution's effectiveness may rise and fall as a result of pressure from different parts of the system or changes in the political and security landscape. Moreover, the rule of law requires a holistic approach that links justice, security and development. This is particularly important for vulnerable groups, including women and displaced persons.

60. In circumstances where progress is ascertainable, attributing progress to a particular entity's assistance can also be challenging. Disaggregating the contribution made to the rule of law by the many bilateral and multilateral partners, non-governmental organizations and governmental agencies is not easy. Furthermore, the need or desire to disaggregate is not always apparent; effective collaboration is both positive and welcome. Impact measurement that seeks to demonstrate a contribution as opposed to attribution is therefore usually considered a more appropriate assessment.

61. In this context, it is important that the objectives or goals of a project aimed at strengthening the rule of law do not overreach and create unrealistic expectations. In

the Democratic Republic of the Congo for example, MONUSCO has supported prosecution support cells. The project aims to strengthen the capacity of the Congolese civilian and military justice authorities to investigate and prosecute the most serious crimes perpetrated in the eastern provinces of the country. In addition, MONUSCO, UNDP and other partners have supported the organization of mobile courts in the region and the provision of legal aid services through legal aid clinics. These efforts have resulted in the trial of 55 cases leading to 30 convictions, of which 20 were related to sexual and gender-based violence and 2 to crimes under the Rome Statute. Clearly, these efforts have contributed to addressing impunity in the country. It would be unreasonable, however, to expect this assistance to have had a nation-wide impact on the reduction of sexual violence, given the pervasiveness of sexual violence in the conflict. Furthermore, these interventions are unlikely to result in a significant increase in trust in the justice system, given the limited time period and the absence of supporting activities.

62. Another factor that must be considered is that the impact of rule-of-law assistance is often very much dependent upon broader peace and security concerns. For instance, Somalia faces systemic institutional weaknesses and lacks resources throughout the justice and security sector. UNDP has provided support for the building of courts and police stations, the training of police units and judicial officers and the establishment of nine mobile courts and numerous legal aid clinics. Since 2009, the number of registered cases addressed by the case management system supported by UNDP has doubled. Legal assistance in Somaliland increased nearly fourfold between 2009 and 2010. Despite this progress, serious challenges to the maintenance of peace and security continue to undermine the rule of law in all regions and subregions. Consequently, it is difficult to gauge the nexus between successful outcomes at a programmatic level and the impact on the overall rule of law situation.

63. It is also difficult to evaluate the impact of United Nations programmes on the overall national rule-of-law situation using output-based data. Following the post-electoral violence that took place in Côte d'Ivoire, the United Nations Operation in Côte d'Ivoire supported the Ministry of Justice in the rehabilitation and reopening of 17 courts and 22 prisons damaged or looted during the 2010-2011 crisis. While no doubt a sign of progress, this type of output-based data is not sufficient for evaluating the impact of the support provided by the United Nations for the rule of law in Côte d'Ivoire. The data does not support conclusions, for instance, on access to justice, observance of due process or public confidence in the justice system.

64. Similarly, in the area of the fight against impunity, the United Nations has supported the indictment of more than 250 persons for war crimes, crimes against humanity or genocide through the international criminal tribunals for the former Yugoslavia and Rwanda. While these indictments are an important achievement in their own right, it is difficult to disaggregate the work of the tribunals from other activities in the global fight against impunity.

65. Thus, and despite having made significant progress in terms of developing assessments and planning tools for data collection and evaluation frameworks, the rule of law will continue to pose unique challenges to measurement. The United Nations must use innovative approaches in order to continue to improve its measurement and evaluation capacity in this area.

VII. Conclusions and recommendations

66. In 2011, I observed that attempts to measure the Organization's effectiveness in the area of the rule of law had been hampered by incomplete baseline data, weak and competing monitoring and evaluation frameworks, and a lack of incentives to share results between entities (S/2011/634, para. 59).

67. In 2013, there is evidence that a culture of measurement is gradually taking root in the United Nations system. The United Nations employs country-level, sector-wide and thematic assessments to inform rule-of-law planning, but these fall short of providing systematic baseline data on the rule of law. The Department of Peacekeeping Operations and UNDP, in their role as global focal point, should lead in developing this area of work.

68. Data collection and analysis is central for measuring the impact of the Organization and adjusting the support provided by the Organization to meet priority needs in the area of the rule of law. It is also critical for informing national priorities and policy development and enhancing accountability and good governance, and should, therefore, be a national priority. The United Nations has focused on developing national capacities for data gathering, monitoring and evaluation, and this must continue. Building national data collection, monitoring and evaluation capacity should be integrated into project and programme design so as to enhance cooperation in measuring results.

69. In order to use data effectively to measure the impact of the work of the Organization, an evaluation system is critical. The United Nations system has, over the past decade, established a framework to support and encourage its evaluation efforts. However, the evaluation capacity of the Organization requires significant improvement, including additional commitment of resources, and remains uncoordinated and entity-specific. A strategy for evaluating the rule of law specifically does not exist. Developing such a strategy should be a goal of the United Nations system, one that is supported by Member States.

70. Finally, a focus on measuring the impact of the support provided by the United Nations system for the rule of law must not mean losing sight of the observation on the interrelationship between the rule of law and the three pillars of the United Nations (peace and security, development, and human rights) that was made in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels. The approach to measurement adopted by the United Nations must reflect this holistic approach. Impact in the rule of law must not be assessed in isolation, rather in the context of broader development goals, the promotion of human rights and the maintenance of peace and security.

A. Recommendations for consideration by the Security Council

71. The Council should consider mandating support to national data collection and analysis capacity development in all of its missions.

72. The Council should consider mandating evaluation capacity in all of its missions.

B. Recommendations for consideration by the United Nations system

73. The United Nations should consider developing a common set of evaluation principles that will allow for a system-wide approach to measuring the impact of the support provided by the United Nations system for the rule of law against appropriate baseline data.